

## CHAPTER IV

ATTENDANCE AND LEAVE**A. DEFINITIONS**

1. **Absence Without Leave (AWOL).** Absence from duty that has not been authorized or approved by the appropriate authority in accordance with the provisions of this Manual.

2. **Accrued Annual Leave.** Leave earned which is credited to an employee's account during the current leave year.

3. **Accumulated Annual Leave.** Unused annual leave remaining to the credit of an employee at the end of any pay period.

4. **Accrued Sick Leave.** Leave accrued and credited to an employee's account during the current leave year.

5. **Accumulated Sick Leave.** Unused sick leave remaining to the credit of the employee at the end of any pay period.

6. **Break-in-Service.** A separation from the rolls for a period of one or more workdays of the employee's basic workweek. A period of absence for military duty, followed by the exercise of reemployment rights, is not regarded as a break-in-service for purposes of this Manual.

7. **Continuous Service.** The total period of time from the date of appointment until the date of separation, irrespective of pay status during such period.

8. **Court Leave.** The authorized absence of an employee from work status for jury duty or to appear as a witness in an unofficial capacity for purposes delineated in paragraph B.2.f.(1) of this Chapter.

9. **Administrative Leave.** The administratively authorized absence from duty without loss of pay and without charge to earned leave.

10. **Leave Year.** The 52-week period prescribed by the Head of the Component for administration of leave.

11. **Military Leave.** Absence from duties without loss of pay, time, or performance ratings for those NAFI employees who are members of Reserve Components of the U.S. Armed Forces, including the National Guard, on days in which they are engaged in temporary active duty or inactive duty for training.

12. **Leave Without Pay (LWOP).** Approved temporary nonpay status and absence from duty.

13. **Military Furlough.** A leave of absence or separation of a regular full-time or regular part-time employee for induction or recall to active duty in one of the U.S. Military Services.

14. Compensatory Overtime for Religious Purposes. An overtime period an employee elects to work for the purpose of taking an equal amount of time off in stead of overtime pay and without charge to leave for religious observance.

## B. POLICY

In order to establish uniform and equitable work schedules, hours, and working conditions essential to the health and welfare of NAFI employees and to conform to applicable executive orders and DoD issuances, the policies set forth herein will apply to all DoD Components.

### 1. Attendance

a. Administrative Workweek. The administrative workweek for NAFI employees will be a period of 7 consecutive calendar days. It need not coincide with the calendar week, but may begin on any day and at any hour of the day.

b. Basic Workweek- Within the administrative workweek the basic workweek for NAFI employees will not exceed 40 hours, exclusive of meal times. Whenever possible, 2 consecutive days off will be provided in each administrative workweek. However, the basic workweek may be scheduled over a period of 6 days provided the total scheduled hours do not exceed 40 per week.

c. Workday. The workday shall be administratively scheduled, shall not exceed 10 hours and may extend over 2 calendar days.

d. Meal Periods- Regular meal or lunch periods normally will be established at no less than 30 minutes nor in excess of 1 hour and will not be considered as time worked except that meal periods will be considered time worked for the purpose of determining entitlement to night shift differential" pay. No employee will be required to work more than 6 consecutive hours without a meal period.

e. Legal Holidays. Legal holidays include the 1st of January, the 3rd Monday of January, the 3rd Monday of February, the last Monday of May, the 4th day of July, the 1st Monday of September, the 2nd Monday of October, the 11th day of November, the 4th Thursday of November, the 25th of December, Inauguration Day (only for employees working in the Washington D.C., Metropolitan area as explained in the roles for" appropriated fund employees), or any other calendar day designated as a holiday by Federal statute or executive order.

f. Religious Observance. An employee may elect to work compensatory overtime for the purpose of taking time off without charge to leave when personal religious belief requires that the employee abstain from working during certain periods of the workday or workweek.

( 1 ) An employee who elects to work compensatory overtime for this purpose shall be granted, instead of overtime pay, an amount of time off from his or her scheduled work (hour for hour) equal to the compensatory overtime worked.

(2) An employee's election to work compensatory overtime or to take compensatory time off to meet his or her religious obligations may be

disapproved if such modifications in work schedules interfere with the efficient accomplishment of the assigned mission.

g. Flexible and Compressed Work Schedules. Heads of DoD Components may authorize flexible and compressed work schedules. Procedures established shall be in accordance with P.L. 99-196, December 23, 1985.

## 2. Leave

a. Leave Sharing or Donation. Heads of Components may establish a program that permits employees to donate annual and sick leave for the use of other employees for medical or family emergency or other hardship situations. It is suggested that the OPM programs for civil service employees be used as a guideline.

### b. Annual

( 1 ) Leave Authorization. The appropriate authority shall authorize and schedule annual leave. when the workload permits and, whenever possible, at the convenience of the employee. Such leave shall be earned by incumbents who are designated as RFT and RPT employees (including those off-duty military personnel classified in the latter category). The amount of annual leave earned depends on the employee's total length of creditable service.

(2) Creditable Service. Total creditable service shall be determined as follows:

(a) All prior DoD NAFI service, including service with current employer, as a RFT or RPT employee. TPT and TPT employees converted to RFT or RPT employees shall be given credit for present temporary service.

(b) All active uniformed service, except for certain retired members of the uniformed services as outlined below, terminated by honorable discharge under honorable conditions or by transfer to inactive reserves under honorable conditions is creditable for determining" the annual leave accrual rate. For an employee who is a retired member of any of the uniformed services, credit is restricted to the actual active service in the Armed Forces during wartime or in any campaign or expedition for which a campaign badge has been authorized. If the retired member meets one or" more of the following conditions, all of his or her active service is counted for leave accrual purposes:

1 The retirement was based on disability resulting from injury or disease received in the line of duty as a direct result of armed conflict.

2 The retirement was based on disability caused by an instrumentality of war and incurred in the line of duty during a period of war . (as defined in sections 101 and 301 of Title 38, United States Code) .

3 On November 30, 1964, the retired member was employed in a civilian office to which the annual and sick leave law applied, and

continues to be employed in an office of this kind without a break in service of more than 30 days.

(Note: The above provisions, set forth in subparagraphs B.2.b.(2)(b)1, 2, and 3, are effective as of February 16, 1983. The leave accrual rate shall be adjusted as of this date. Recomputation of leave for employment periods before February 16, 1983 is not authorized.)

(c) Fractional parts of months shall be included in determining length of service. However, the total length of service shall be stated in terms of complete months.

(d) Credit for Military Training. Civilian employees of NAFIs who are called to active duty for short periods of time (not to exceed 6 weeks) with Reserve components of the U.S. Armed Forces shall continue to accrue annual leave credit during such periods. Nonduty time while in Reserve components is not creditable.

(3) Exemptions. No employee who is currently in a leave category as a result of more liberal provisions of the separate DoD Components before 6 September 1974 shall be penalized by being placed in a lower category for leave accrual or accumulation purposes.

(4) Annual Leave Accrual. Annual leave shall be accrued by RFT and RPT employees while in a pay status, excluding overtime hours worked in excess of 40 hours during the basic workweek. Employees receiving benefits under the Longshoremen's and Harbor Worker's Compensation Act and carried on the rolls of the employing NAFI in a leave-without-pay status do not accrue annual leave.

(a) Employees with less than 3 years of service shall accrue 5 percent of the total hours in the basic workweek.

(b) Employees with 3 years but less than 15 years of service shall accrue 7.5 percent of the total hours in the basic workweek, except for the final biweekly period of the leave year when leave shall accrue at the rate of 12.5 percent of the total hours in the basic workweek.

(c) Employees with more than 15 years of service shall accrue 10 percent of the total hours in the basic workweek.

(5) Time of Crediting. The accrued leave is credited to the employee's individual leave record upon completion of the 90-calendar-day qualifying period; thereafter, at the end of the period in which it is earned.

#### (6) Changes in Rates of Accrual

(a) Changes in the rates of accrual are effective at the beginning of the first pay period following the completion of the prescribed service.

(b) When a change from a 7.5 percent to a 10 percent leave category occurs at the beginning of the last full biweekly pay period in the

calendar year, the employee's leave credit for that period shall be computed at 12.5 percent of hours in a pay status.

(7) Commission or Incentive-Paid Employees. Commission or incentive-paid employees are covered by the same annual leave policy which applies to RFT and RPT employees. However, the computation of the annual leave pay to such employees shall be on the basis of hourly pay rate equivalents derived from the application of classification standards to the job. The employee's wage rate step of the currently authorized wage schedule for the appropriate job grade shall be used in determining the base rate for computing the earned annual pay.

### c. Sick Leave

(1) Eligibility. Sick leave shall be credited to incumbents who are designated as RFT or RPT employees (including those off-duty military personnel classified in this latter category). There is no qualifying period for the crediting of sick leave.

(2) Granting Sick Leave. All RFT and RPT employees who have sick leave to their credit may be granted such leave for legitimate medical reasons.

### (3) Sick Leave Credit Accruals

(a) Sick leave credits shall accrue at the rate of 5 percent of the total basic workweek hours in a pay status and shall be credited from the date of appointment to RFT or RPT status.

(b) Sick leave credits including those accrued while on annual or sick leave, are credited to the employee's account at the end of the pay period in which accrued.

(4) Commission or Incentive-Paid Employees. Commission or incentive-paid employees are covered by the same sick leave policy which applies to RFT and RPT employees. However, the computation of the sick leave benefits to such employees shall be on the basis of hourly pay rate equivalents derived from the application of classification standards to the job. The employee's wage rate step of the currently authorized wage schedule for the appropriate job grade shall be used in determining the base rate for computing the sick leave benefits.

(5) Accumulation of Sick Leave. There is no limit on the amount of sick leave that employees may accumulate and carry forward from one year to another. No payment for unused sick leave shall be made to an employee under any circumstances.

(6) Sick Leave Credits. Sick leave credits shall be transferred between NAFLs provided that the employee (a) did not retire from the losing NAFL, (b) is placed in a RFT or RPT pay status in the gaining NAFL within 180 calendar days (or longer if Head of Component deems it appropriate) of removal from pay status in the losing NAFL, and (c) did not receive service credit for unused sick leave in accordance with subsection A.1. of Appendix B.

(7) On-the-Job Injury. An employee covered by workers' compensation insurance (5 U.S.C. 8171) shall be granted sick leave payments from the employee's accumulated sick leave balance in an amount which, when added to workers' compensation benefits, approximates but does not exceed the employee's basic salary.

d. Excused Absence. Heads of DoD Components or their designees may authorize time off with pay to any NAFI employee for blood donations (for which the employee is not paid); for voting in Federal, State, county, and municipal government elections; or for brief periods of absence or tardiness due to circumstances that are beyond the employee's control.

e. Absence for Maternity or Paternity Reasons

( 1 ) Leave for Maternity Reasons. RFT and RPT employees may request sick leave, annual leave, and/or leave without pay when incapacitation related to pregnancy and confinement has been properly established by medical authority. An absence covering pregnancy and confinement shall be treated as *any other medically certified temporary incapacitation.*

(2) Leave for Paternity Reasons. RFT and RPT male employees may request annual leave and/or leave without pay for purposes of assisting or caring for their children or the mother of the newborn child while she is incapacitated, as established by medical authority, for maternity reasons.

(3) Heads of DoD Components shall apply the same leave policies, regulations, and procedures in cases of requests for maternity or paternity absences as are applicable to requests for leave generally.

f. Military Leave

( 1 ) RFT civilian employees who are members of Reserve Components of the Armed Forces of the United States, including the National Guard, are entitled to excused absence up to a maximum of 15 days per fiscal year without loss of pay, time, or performance rating when called to active duty or active duty for training. Any part of this excused absence that is not used in any given fiscal year accumulates for use in succeeding fiscal years, not to exceed a 15-day maximum carry-over. Therefore, an eligible employee could have a maximum total of 30 days to his/her credit for use during a fiscal year.

(2) In the case of RPT civilian employees, the rate at which leave accrues shall be a percentage of the rate prescribed under subparagraph B. 2 .e. ( 1 ) , above. The percentage shall be determined by dividing the number of hours in the RPT employee's regularly scheduled workweek by the total number of hours that constitutes the normal full-time workweek of the employing NAFI.

(3) RFT and RPT civilian employees who are called to active duty for the purpose of providing military aid to enforce the law may be granted additional military leave not to exceed 22 workdays in a calendar year. These employees shall be granted leave upon presentation of competent orders. Compensation (other than travel, transportation, or per diem allowance) received by an employee for such military services shall be credited against the pay payable to an employee with respect to his or her NAFI position for such period of military service. Military leave is to be granted only for workdays; the

NAFI civilian pay of the employee shall be reduced only by the amount received for military service performed on a workday. The NAFI civilian pay shall not be reduced by any amount an individual may receive for days that are not workdays.

(4) Leave without pay may be granted employees for the following other types of military service:

(a) Summer training as members of Reserve Officers Training Corps.

(b) Temporary Coast Guard Reserve duty.

(c) Participation in parades by members of the State National Guard. (However, members of the National Guard in the District of Columbia are entitled to military leave with pay for participation in parades.)

(d) Training with a State Guard or other State military organization.

(e) Civil Air Patrol duty.

9\* Court Leave

( 1 ) Upon advance submission of a court order, subpoena, summons, or any other judicial notification, RFT and RPT employees shall be granted paid court leave for jury duty; to appear in court in an unofficial capacity as a witness on behalf of the U.S. Government or the Government of the District of Columbia; and to appear in court in an unofficial capacity as a witness on behalf of private parties where the United States, the District of Columbia, or a State or local government is a party to the proceedings. The court may be a Federal, District of Columbia, State, or local governmental-unit court. This provision does not apply to an employee appearing as a witness in a judicial proceeding that involves only private parties.

( 2 ) RFT and RPT employees on court leave shall receive their regular pay for such time or shall retain the court fees received from the court, whichever is the greater amount. If the court fees are the lesser amount, such fees, exclusive of transportation when separately identified or otherwise identifiable, shall be turned over to the employing NAFI. However, when a State statute provides for reimbursement of expense or an expense allowance rather than a jury fee, employees shall receive their regular pay and the money paid by the court.

h. Leave Without Pay. Leave without pay may be granted an employee who is receiving benefits under the Longshoremen's and Harbor Worker's Compensation Act (Chapter IV, subparagraphs B.2.a.(4) and B.2.b.(7)) and a regular full-time or regular part-time employee for military service (Chapter IV, paragraph B. 2 .e. ) . Upon request, such leave may be granted instead of annual or sick leave. Such leave may not be granted for a period exceeding 1 year except for military service and other circumstances considered appropriate by the Head of the DOD Component or designee.



i. **Military Furlough.** Military furlough shall be granted to a RFT or RPT employee for induction or recall to active duty in one of the U.S. Military Services. An employee returned to duty from military furlough shall have the same seniority, status, pay, and annual leave accrual entitlements that the employee would have enjoyed had he or she remained at work instead of being placed on furlough.

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